

TAB 5

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
C.A. NO. 04-10131

ORIGINAL

* * * * *

HEATHER KIERNAN, *

Plaintiff *

vs. *

ARMORED MOTOR SERVICE OF AMERICA, *

INC. AND FRANCESCO CIAMBRIELLO, *

Defendants *

* * * * *

DEPOSITION OF HEATHER L. KIERNAN

MORGAN, BROWN & JOY, LLP

200 State Street

Boston, Massachusetts

June 17, 2005 9:55 a.m.

Maryellen Coughlin

Registered Professional Reporter

1 ever observe your husband viewing pornographic
2 materials on the computer?

3 A. No.

4 Q. Did you ever observe him viewing
5 any type of pornographic materials?

6 A. Not that I recall.

7 Q. Did you ever tell anybody that you
8 had observed your husband viewing pornographic
9 materials and masturbating?

10 A. No.

11 Q. Okay. I want to turn now to your
12 employment at AMSA. When did you first begin
13 working there?

14 A. I believe it was in April of 2001.

15 Q. And why did you seek employment
16 with AMSA at that time?

17 A. My husband had been laid off, and I
18 needed to find work.

19 Q. Did you want to go to work at that
20 time?

21 A. Not particularly, but I needed to
22 get some money coming into the house.

23 Q. Okay. Was your intent to keep your
24 job at AMSA only until the time that your husband

1 that. I'm just asking you about this one
2 individual?

3 A. I don't recall. He did a couple of
4 things that were inappropriate but --

5 Q. Okay. Right now I'm asking you
6 about verbal. Did he say anything verbal to you
7 that you considered to be inappropriate prior to
8 May 19th?

9 A. Not that I recall.

10 Q. Okay. And now you indicated that
11 he did some things, and I'm assuming those were
12 nonverbal --

13 A. Yes.

14 Q. -- types of things.

15 What it that he did prior to May
16 19th that you considered to be inappropriate?

17 A. Unbuttoning his pants in my office
18 and tucking in his shirt, taking off his gun and
19 loading it and unloading it.

20 Q. And when you say "in your office,"
21 where was your office located?

22 A. Off of the dispatch area. There
23 was an office that had three desks in it, maybe
24 even four, I can't remember exactly, and that's

1 where my office was.

2 Q. Okay. You were assigned to one of
3 those desks?

4 A. Yes.

5 Q. And who else was assigned to desks
6 in that office?

7 A. I believe there was only one other
8 person, the ATM manager.

9 Q. And who was that?

10 A. I'm not sure of his name.

11 Q. It was a man?

12 A. Yes.

13 Q. And when Mr. Ciambriello came into
14 your office and unbuttoned his pants and tucked
15 in his shirt, was the ATM manager there?

16 A. No. He was rarely ever there.

17 Q. Were you alone in that office or
18 alone with Mr. Ciambriello?

19 A. Yes.

20 Q. And why was Mr. Ciambriello in that
21 office, if you know?

22 A. I don't know.

23 Q. And when you say he unbuttoned his
24 pants and tucked in his shirt, did he unzipper

1 his pants or just unbutton the button?

2 A. I'm not sure.

3 Q. Did you say anything to him when he
4 did that?

5 A. I asked him why he was doing that
6 in my office.

7 Q. And what did he say?

8 A. He just said -- I believe he said
9 he was getting ready for work.

10 Q. Was he wearing -- was it a uniform
11 that he was wearing?

12 A. Yes.

13 Q. And you say he also -- I'm sorry --
14 took his gun out from his holster, is that what
15 you said?

16 A. Yes.

17 Q. And loaded it?

18 A. Yes.

19 Q. And how many times did he do that
20 prior to May 19th in your presence?

21 A. Once or twice. More than likely
22 twice.

23 Q. Okay. And why did you consider
24 that inappropriate?

1 A. 'Cause it was the workplace.

2 Q. Okay. Was Mr. Ciambriello required
3 to wear a firearm while he was at work, if you
4 know?

5 A. Yes.

6 Q. And how many times did he unbutton
7 his pants to tuck in his shirt in your presence
8 prior to May 19th?

9 A. Once or twice.

10 Q. And when you asked him why he was
11 doing it there, did he respond in any way?

12 MR. McLEOD: Objection.

13 A. I don't remember if he responded.

14 Q. Okay. And did you say anything to
15 him when he loaded his gun in your office?

16 A. I told him that I was
17 uncomfortable.

18 Q. And did he respond in any way to
19 that?

20 A. He told me he wasn't going to hurt
21 me.

22 Q. Okay. Now, you indicated that lots
23 of people said inappropriate things at AMSA.
24 What do you mean by that?

1 A. Talking about their sex lives and
2 stuff like that, the ATM manager and people that
3 would come in and out of the office.

4 Q. And when you say "in and out of the
5 office," are you meaning the office of three
6 desks where you and the ATM manager sat?

7 A. Yes.

8 Q. Okay. And was it people coming in
9 to talk to the ATM manager?

10 A. Yes.

11 Q. And so he had conversations with
12 people in your presence in which either he or the
13 person who he was speaking with said things of a
14 sexual nature?

15 A. Yes.

16 Q. Okay. And did you ever tell the
17 ATM manager that you didn't want those things
18 said in your presence?

19 A. I didn't tell anyone, but someone
20 told Jason Khoury who is the supervisor or
21 whatever he is at the company.

22 Q. The branch manager?

23 A. Yeah, and I ended up going into a
24 meeting with him on that issue.

1 Christina Parrott?

2 A. Maybe 3.

3 Q. So shortly after you got there?

4 A. Yes.

5 Q. Was that the first time on May 19th
6 that you talked to Christina Parrott?

7 A. No.

8 Q. You had talked to her prior to that
9 time?

10 A. Yeah. I talk to her all the time,
11 so.

12 Q. Okay. Tell me when -- had you
13 talked to Christina Parrott on May 19th prior to
14 going to AMSA?

15 A. Yes.

16 Q. And when was that?

17 A. Probably about 15 times before I
18 went to work.

19 Q. Okay. And what was the reason why
20 you talked to her about 15 times that day before
21 you went to work?

22 A. One of the times was to make plans
23 to go out and get together after work, her and I.
24 She was just one of those friends that likes to

1 talk on the phone, so she called me all the time.

2 Q. Did you see her on May 19th prior
3 to going to work?

4 A. No.

5 Q. And what were your plans, what were
6 the plans that you made with Ms. Parrott for
7 after work?

8 A. Basically just to get together and
9 have a glass of wine or something like that, of
10 that nature.

11 Q. Did you have specific plans about
12 where you would go in terms of location?

13 MR. McLEOD: Objection.

14 A. No.

15 Q. Okay. Did the plans involve
16 anybody other than yourself and Christina?

17 A. No.

18 Q. Okay.

19 MR. McLEOD: Actually, can I just
20 for clarity purposes, that last question, were
21 you date specific or were you in general?

22 MS. ROMANTZ: About Christina
23 Parrott, the plans to go out?

24 MR. McLEOD: Yes, the last

1 question.

2 MS. ROMANTZ: Date specific, on May
3 19th.

4 MR. McLEOD: Okay. I'm just going
5 to object to the form.

6 Q. Did you understand when I asked you
7 that question about having plans with Christina
8 Parrott I was asking you about your plans on
9 May 19th?

10 A. Like at night?

11 Q. Yes.

12 A. Yes.

13 Q. Okay. And so when you answered
14 that you didn't have specific plans, you were
15 talking about on May 19th?

16 A. Right.

17 Q. So is it fair to say you had plans
18 with Christina for the concept of going out and
19 having a drink, but in terms of what you were
20 going to do, that had not been set?

21 A. Well, it was going to either be at
22 her house or my house.

23 Q. Okay. Where was she living at the
24 time?

1 A. On Hood Street in Attleboro.

2 Q. And that was with her family --

3 A. Yes.

4 Q. -- her parents?

5 A. Yes.

6 Q. At that time, how would you
7 describe the relationship between your husband
8 and Christina Parrott?

9 A. I don't really know. They didn't
10 really have a relationship. He never let anybody
11 come over the house, so he never got to know
12 anybody at all.

13 Q. Okay. Was Christina Parrott
14 somebody that you ever smoked marijuana with?

15 A. Yes.

16 Q. Was she ever somebody that you
17 smoked crack cocaine with?

18 A. No.

19 Q. So tell me what it was that you
20 discussed with Christina Parrott at around three
21 o'clock when you called her from AMSA?

22 A. I was basically just asking her if
23 she had gotten the bottle of wine and if we were
24 still going through with the plans that we had.

1 touching.

2 A. I don't recall if it was before the
3 first truck or in between.

4 Q. At some point did Ms. Parrott come
5 down to the facility?

6 A. Yes.

7 Q. And when was that? Let me actually
8 strike that question and ask, did she come down
9 more than once on May 19th?

10 A. I believe so, yes.

11 Q. Do you recall how many times she
12 came down?

13 A. I believe it was twice.

14 Q. And when was the first time?

15 A. The first time was I believe before
16 the first truck came.

17 Q. And prior to her coming down, did
18 you have some type of communication with her by
19 telephone?

20 A. Yes.

21 Q. Did you know she was coming down?

22 A. Yes.

23 Q. And was there a purpose for her
24 coming down?

1 A. I believe to get money from me.

2 Q. And why was she getting money from
3 you?

4 A. For my half of the wine.

5 Q. Okay. And had you spoken to her on
6 the telephone at AMSA to make the arrangement for
7 her to come down and get the money from you?

8 A. I believe so, yes.

9 Q. Okay. And then she came down
10 shortly thereafter?

11 A. Yes.

12 Q. And in terms of the trucks, you
13 believe it was before the first truck came?

14 A. I believe so.

15 Q. Was it before you had the
16 conversation with Tony where he talked about
17 drugs and sex?

18 A. Yes.

19 Q. And when she came down to the
20 facility, take me through that. What happened?

21 A. I saw her on -- there's monitors up
22 on the screens that's right in front of dispatch.
23 I saw her pull up, and Tony said I could go
24 outside and have a cigarette. He buzzed me out,

1 and I stood outside and had a cigarette, gave the
2 money to her and then got buzzed back in the
3 building.

4 Q. Did Mr. Ciambriello go outside and
5 have a cigarette with you?

6 A. I believe at one point he did come
7 out.

8 Q. And was that while you were with
9 Christina?

10 A. Yes.

11 Q. Okay. Did he come out after you
12 had already been buzzed out?

13 A. I'm not sure. I believe he came
14 out -- I think he let me out first and then came
15 out, but I'm not positive. I don't recall.

16 Q. Okay. Where did you have the
17 cigarette with your friend?

18 A. Right outside the door.

19 Q. And how long were you outside with
20 her?

21 A. Approximately 10 minutes.

22 Q. Did you smoke more than one
23 cigarette?

24 A. I don't recall.

1 about?

2 A. No.

3 Q. Did the two of them know each other
4 from working at AMSA?

5 A. Yes.

6 Q. Was there any other time during
7 your working on May 19th when you went outside
8 the facility to have a cigarette and
9 Mr. Ciambriello joined you?

10 A. I don't believe so, no.

11 Q. So what happens after Ms. Parrott
12 leaves? Or let me ask you, were the three of you
13 still outside when Ms. Parrott left? I guess it
14 would be the two of you that would be still
15 outside because she had left.

16 A. Yeah.

17 Q. Okay. And did you go back into the
18 facility together?

19 A. Yes.

20 Q. How did you get back in?

21 A. He had to open the door.

22 Q. With the key?

23 A. With the key, yeah.

24 Q. And the door had been closed while

1 you were outside, the three of you were outside
2 together?

3 A. I believe so, as far as I remember.

4 Q. Did you have any understanding as
5 to whether or not during the day on Saturday you
6 were permitted to go outside the facility and
7 have a cigarette?

8 A. No.

9 Q. You didn't have any understanding
10 one way or another?

11 A. Yeah, yes.

12 Q. Yes, you did not have an
13 understanding?

14 A. Yes.

15 Q. And did you have any understanding
16 as to whether or not Mr. Ciambriello was suppose
17 to go outside on Saturdays leaving the building
18 unoccupied?

19 A. No.

20 Q. You didn't have an understanding?

21 A. No.

22 Q. So you go back in, and tell me what
23 happens from there, where do you go?

24 A. I believe I had a bag of popcorn or

1 something like that, went back into dispatch, and
2 I think that's when we had -- I don't know the
3 time frame, but we had another cigarette in the
4 building, and we waited for the trucks to come in
5 some more.

6 Q. And while you were waiting, did you
7 talk?

8 A. Yeah.

9 Q. And do you remember what you talked
10 about?

11 A. I had hurt my shoulder, but I think
12 it was the day before, maybe two days before, and
13 I said that my shoulder was hurting me, and
14 that's when he proceeded to try to massage my
15 shoulder.

16 Q. How had you hurt your shoulder?

17 A. I'm not positive, but I believe it
18 was lifting something at work. I'm not really
19 positive how I did it.

20 Q. And when you say hurt your
21 shoulder, what do you mean?

22 A. I had a sharp pain in my shoulder
23 that wouldn't go away.

24 Q. Okay. Which shoulder was it, if

1 Q. Okay. So tell me what happens when
2 you tell him that your shoulder hurts?

3 A. He moves his chair up behind me,
4 his rolling chair, and he's sitting behind me
5 with his legs around the back of the chair, and
6 he starts to try to massage my shoulders.

7 Q. And does he try to massage both of
8 your shoulders --

9 A. I don't remember.

10 Q. -- or just one?

11 A. I believe both.

12 Q. And you're still sitting in the
13 chair?

14 A. Yes.

15 Q. How high up does the back of the
16 chair go?

17 A. Maybe halfway up my back.

18 Q. Okay. So sort of below your
19 shoulder blades?

20 A. Yes.

21 Q. And is it one of those chairs that
22 if you sort of push, lean back, does it go back?

23 A. It probably could have, but I have
24 a lock on it so I wouldn't fall.

1 Q. And the lock means so that it won't
2 sort of go back?

3 A. Yes.

4 Q. Okay. And does he actually touch
5 your shoulders?

6 A. Yes.

7 Q. And what does he do?

8 A. What does he do with my shoulders?

9 Q. Yes.

10 A. He just started massaging them, and
11 I told him not to do it.

12 Q. Okay. Did he use two hands?

13 A. I believe so, yes.

14 Q. And do you remember whether it was
15 one hand on each shoulder or was it two hands on
16 the injured shoulder?

17 A. I don't remember.

18 Q. Okay. And how long did he massage
19 your shoulder or shoulders before you told him
20 not to?

21 A. Not even a minute.

22 Q. And what specifically did you say
23 to him?

24 A. I told him I didn't want him to do